

**THE STATE OF NEW HAMPSHIRE****SUPREME COURT****O R D E R****JD-2022-0001, In the Matter of Bruce F. DalPra**

On October 5, 2022, the Judicial Conduct Committee (JCC) filed a summary report of its proceedings, findings, and recommendations in JC-21-072-C, In re: Bruce F. DalPra, along with a certified copy of the record of its proceedings.

According to the JCC's summary report, former marital master Bruce F. DalPra (DalPra), who retired from his position earlier this year, admitted that he violated a number of provisions of the Code of Judicial Conduct (Supreme Court Rule 38), as alleged in the JCC's Statement of Formal Charges and as modified by the Stipulation and Agreement signed by DalPra and the JCC's counsel. The JCC's record includes a copy of the Stipulation and Agreement, in which DalPra admitted violations of several Code provisions; acknowledged that he understood that the JCC would enter findings that he had violated those provisions; and waived his right to a de novo hearing on the charges. DalPra also acknowledged that he is responsible for reimbursing the Administrative Office of the Courts (AOC) for the attorney's fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. A subsequently executed amendment to the Stipulation and Agreement fixed the reimbursement amount at \$12,680.52.

The JCC reviewed the Stipulation and Agreement and entered findings, by clear and convincing evidence, that DalPra violated the following provisions of the Code of Judicial Conduct:

Canon 1, Rule 1.2, which provides: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Canon 2, Rule 2.11, which provides in part: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned."

Canon 2, Rule 2.16(A), which provides: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies."

Canon 2, Rule 2.8(B), which provides, in relevant part: "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers,

court staff, court officials, and others with whom the judge deals in an official capacity . . . .”

In the summary report of its findings, the JCC noted that DalPra had retired before the report was submitted. The summary report stated that because DalPra had taken this action, the JCC made no additional recommendations for “appropriate” sanctions.

In accordance with Rule 40(12) and (13), when the JCC determines that a “judge” — a term that includes a marital master, see Sup. Ct. R. 40(2); see also Sup. Ct. R. 38 (“Terminology” section) — has violated the Code of Judicial Conduct and determines that the violations warrant formal disciplinary action by this court, the judge may request a de novo hearing, after which the court will schedule briefing and oral argument. In this case, DalPra has waived his right to a de novo hearing, and he notified the court, through his counsel, that he does not seek the opportunity to file a brief or present oral argument.

The court determines that the JCC’s findings as to the violations of the Code of Judicial Conduct are supported by the JCC’s record. See Rule 40(13). In light of DalPra’s retirement from his position as a marital master, the court concludes that no additional disciplinary action is required.

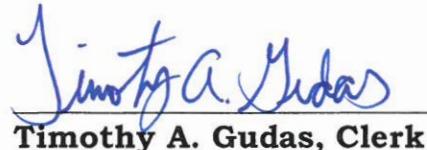
Pursuant to Rule 40(13-A) and the terms of the Stipulation and Agreement, as amended, DalPra is ordered to reimburse the AOC in the amount of \$12,680.52 for the attorney’s fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. Payment shall be made on or before December 19, 2022.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

So ordered.

DATE: November 10, 2022

ATTEST:

  
**Timothy A. Gudas**  
**Timothy A. Gudas, Clerk**

Distribution:  
Judicial Conduct Committee, JC-21-072-C  
Philip R. Waystack, Jr., Esq.  
Anthony F. Sculimbrene, Esq.  
File

**WAYSTACK FRIZZELL**

P.O. Box 137  
 Colebrook NH 03576

\*\*\*\*\*

(603) 237-8322  
 Tax ID# 02-0405672

State of New Hampshire  
 Judicial Conduct Committee  
 132 Chapel Street  
 Portsmouth, NH 03801

PAGE 1  
 BILLING DATE: 09/20/22  
 ACC'T NO.: PW-ST4674-22

RE: Marital Master Bruce DalPra

| DATE     | PROFESSIONAL SERVICES RENDERED  | INDIV | TIME | AMOUNT |
|----------|---|-------|------|--------|
| 04/15/22 | Download and save documents and files, open new file  | RG    | 1.20 | 90.00  |
| 04/18/22 | Print / review documents for file; Prepare chronological index of documents                           | RG    | 2.10 | 157.50 |
| 04/21/22 | Continue printing documents   | RG    | 0.20 | 15.00  |
| 04/22/22 | Revise index and compile documents into binder  | RG    | 0.80 | 60.00  |
| 05/04/22 | Email documents to Attorney Waystack for review   | RG    | 0.30 | 22.50  |
| 05/06/22 | Email additional documents to Attorney Waystack   | RG    | 0.20 | 15.00  |
| 05/06/22 | Conference with Committee (virtual)   | PW    | 0.40 | 80.00  |
| 05/17/22 | Prepare Statement of Formal Charges   | RG    | 1.00 | 75.00  |
| 05/17/22 | Review and make edits to previous draft   | PW    | 2.40 | 480.00 |
| 05/18/22 | Review Statement of Formal Charges, revise accordingly  | RG    | 0.30 | 22.50  |
| 05/18/22 | Review and edit draft of Statement of Charges   | PW    | 0.50 | 100.00 |
| 05/19/22 | Accept track changes on Statement of Formal Charges; Prepare notice of hearing                        | RG    | 1.00 | 75.00  |
| 05/19/22 | Work on file  | PW    | 0.70 | 140.00 |
| 06/10/22 | Attend JCC meeting, work on file  | PW    | 1.60 | 320.00 |
| 06/13/22 | Work on file  | RG    | 2.50 | 187.50 |
| 06/13/22 | Email Statement of Charges, work on file  | PW    | 0.60 | 120.00 |
| 06/14/22 | Review committee email messages; Review transcript, Code of Judicial Conduct, made edits to documents | PW    | 3.10 | 620.00 |
| 06/15/22 | Revised Statement of Formal Charges according to edits, reformat and review                           | RG    | 1.70 | 127.50 |
| 06/15/22 | Multiple emails concerning Statement of Charges   | PW    | 1.60 | 320.00 |
| 06/16/22 | Work on file  | PW    | 1.70 | 340.00 |

Terms: Net 30 days.

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 ACC'T NO.: PW-ST4674-22

|          |   |      |      |        |
|----------|---|------|------|--------|
| 06/16/22 | Finalize Statement of Charges, Notice of Hearing and letter to M. DalPra  | RG   | 0.80 | 60.00  |
| 06/16/22 | Follow-up emails  | PW   | 0.40 | 80.00  |
| 06/20/22 | Brief telephone conference  | PW/O | 0.20 | 0.00   |
| 06/23/22 | Scan and email request for discovery to Attorney Waystack   | RG   | 0.20 | 15.00  |
| 06/23/22 | Follow up email; Review letter requesting discovery of unabridged, complete transcript  | PW   | 0.70 | 140.00 |
| 06/24/22 | Prepare letter  | RG   | 0.30 | 22.50  |
| 06/24/22 | Email to paralegal to prepare and mail transcript   | PW   | 0.30 | 60.00  |
| 06/28/22 | Review message from Attorney, call him, discuss his appearance, discovery, need for further response, etc.  | PW   | 0.60 | 120.00 |
| 07/12/22 | Download and print response letter  | RG   | 0.10 | 7.50   |
| 07/12/22 | Brief email re: counsel's letter requesting discovery   | PW   | 0.50 | 100.00 |
| 07/14/22 | Substantive email to Attorney, addressing discovery, witnesses, depositions; Telephone call re: discovery requests (email and deposition)                                 | PW   | 1.10 | 220.00 |
| 07/15/22 | Review email  | RG   | 0.10 | 7.50   |
| 07/15/22 | Review multiple emails  | PW   | 0.60 | 120.00 |
| 07/18/22 | Review binder and scan and copy documents   | RG   | 2.00 | 150.00 |
| 07/19/22 | Review documents for privileged information, revise index, Bates-stamp documents  | RG   | 3.00 | 225.00 |
| 07/19/22 | Review index of discovery for privileged documents; Telephone conference to discuss privileged matters; Review specific documents; Telephone call (mess.); Email exchange | PW   | 1.20 | 240.00 |
| 07/20/22 | Continue working and revising indicies, send link and indices via email to opposing attorney  | RG   | 2.80 | 210.00 |
| 07/20/22 | Telephone call; Conference with paralegal to email updated discovery; Conference with paralegal to launch link and indicies to Attorney                                   | PW   | 1.80 | 360.00 |
| 07/26/22 | Review opposing attorney's email; Review emails   | RG   | 0.40 | 30.00  |

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|----------|---|------|------|--------|
| 07/26/22 | Review 2 email messages, respond; Email to Attorneys; Telephone conference with Attorney re: discovery  | PW   | 1.40 | 280.00 |
| 07/27/22 | Review Attorney email; Send email to Attorney discussing his various discovery requests   | PW   | 0.50 | 100.00 |
| 08/02/22 | Short email to Attorneys re: discovery follow-up; Telephone call with Attorney; Email to Attorney re: discovery requests  | PW   | 1.20 | 240.00 |
| 08/03/22 | Prepare Subpoenas and send to parties   | RG   | 1.00 | 75.00  |
| 08/03/22 | Email to Attorney re: subpoena; Email response to Attorney; Second email to Attorney; Review and edit subpoena; Email with subpoena   | PW   | 1.10 | 220.00 |
| 08/03/22 | Review email, respond, forward subpoena to Attorney   | PW   | 0.60 | 120.00 |
| 08/05/22 | Email to Attorney acknowledging production of discovery   | PW/O | 0.20 | 0.00   |
| 08/05/22 | Substantive email to Attorney re: discovery / emails, deposition date subpoenas, dates from him for deposition, discuss further discovery, emails, audio clips, review response   | PW   | 0.50 | 100.00 |
| 08/10/22 | Telephone conference; Telephone call with Attorney; Draft letter; Telephone call; Email exchange with Attorney  | PW   | 1.30 | 260.00 |
| 08/11/22 | Telephone call; Prepare subpoena for all emails   | RG   | 1.60 | 120.00 |
| 08/11/22 | Review email about scope of deposition; Telephone conference with Attorney; Telephone call re: status of discovery, plea discussion; Review statement of charges re: timing; Review and edit subpoena; Review comprehensive timeline; Email discovery index and privilege log; Telephone conference with counsel re: deposition; Follow-up email to Attorney; Follow-up email to Attorney | PW   | 4.10 | 820.00 |
| 08/12/22 | Review file for Attorney Waystack's notes re: status re: discovery  | RG   | 0.50 | 37.50  |

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|          |   |      |      |        |
|----------|---|------|------|--------|
| 08/12/22 | Prepare subpoena; Email exchanges; Email for signature; Second email; Email signed subpoena   | PW   | 1.10 | 220.00 |
| 08/15/22 | Review Attorney email; Telephone call; Further email exchange   | PW   | 0.60 | 120.00 |
| 08/15/22 | Download and print signed subpoena; Review email correspondence   | RG   | 0.30 | 22.50  |
| 08/16/22 | Telephone call re: hearing transcript, transcript generally, status of investigation costs, charges; Telephone call to update status  | PW   | 0.40 | 80.00  |
| 08/17/22 | Review and organize documents for Attorney Waystack during RG's absence   | RG   | 0.40 | 30.00  |
| 08/18/22 | Draft stipulation for admission of final transcript, review and edit, add captions, further edits; Telephone call re: status; Telephone call; Email stipulation to opposing attorney; Review response | PW   | 1.60 | 320.00 |
| 08/19/22 | Email exchange with opposing attorney re: discovery   | PW/O | 0.20 | 0.00   |
| 08/22/22 | Review and respond to opposing attorney's email re: discovery; Email to Attorney re: deposition   | PW   | 0.40 | 80.00  |
| 08/23/22 | Telephone call with Attorney re: follow-up on deposition; Telephone call re: brief discovery status report  | PW   | 0.60 | 120.00 |
| 08/26/22 | Travel from Whitefield to Concord and return  | PW   | 3.00 | 600.00 |
| 08/26/22 | Attend deposition; Brief conference with Attorneys  | PW   | 0.80 | 160.00 |
| 08/29/22 | Review, respond to Attorney email; Telephone call; Work on selecting exhibits for hearing   | PW   | 1.40 | 280.00 |
| 08/31/22 | Review Attorney email re: resolution; Email and telephone call; Review Rules of Code; Email to Attorney   | PW   | 0.90 | 180.00 |
| 09/02/22 | Email to Attorney re: narrow the issues to be tried; Telephone conference with Attorney   | PW   | 0.55 | 110.00 |
| 09/06/22 | Send executed transcript stipulation to opposing attorney   | PW   | 0.20 | 40.00  |
| 09/06/22 | Review exhibits, prepare exhibit list, scan fully executed stipulation  | RG   | 1.80 | 135.00 |

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|                               |   |      |              |                  |
|-------------------------------|---|------|--------------|------------------|
| 09/07/22                      | Email to Attorney re: deposition and discuss potential exhibits for testimony; Email to opposing attorney re: errors in deposition; Email to Attorney re: status of settlement discussions and trial  | PW   | 0.80         | 160.00           |
| 09/08/22                      | Multiple emails and telephone discussions with opposing attorney and JCC representatives  | PW   | 0.80         | 160.00           |
| 09/08/22                      | Review matter with Attorney Waystack; Prepare and review timeline with Attorney Waystack; Review documents for exhibit preparation; Prepare emails to parties; Download, print and review deposition transcript   | RG   | 1.40         | 105.00           |
| 09/09/22                      | Email to opposing attorney re: agreement in principle; Draft and send stipulation and agreement to opposing attorney  | PW   | 1.20         | 240.00           |
| 09/09/22                      | Telephone call to cancel stenographer for hearing; Draft stipulation  | RG   | 1.80         | 135.00           |
| 09/12/22                      | Review and respond to several versions of edits to stipulation  | PW   | 0.90         | 180.00           |
| 09/12/22                      | Review proposed edits to Agreement and revise Stipulation and Agreement accordingly; Review additional proposed edits and revise Stipulation according to additional edits and resend to parties for review; Review exhibits to prepare for the hearing | RG   | 2.10         | 157.50           |
| 09/13/22                      | Review email correspondence, print signature page, email; Telephone calls   | RG   | 0.60         | 45.00            |
| 09/14/22                      | Review email correspondence from Attorney   | RG   | 0.10         | 7.50             |
| 09/14/22                      | Telephone call  | PW/O | 1.60         | 0.00             |
| <b>Total of New Services:</b> |   |      | <b>80.55</b> | <b>11,595.00</b> |

| DATE     | EXPENSE               | AMOUNT |
|----------|-----------------------|--------|
| 06/16/22 | Postage               | 8.76   |
| 06/16/22 | Photocopies: 20 @ .20 | 4.00   |
| 06/24/22 | Postage               | 3.56   |

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BILLING DATE: 09/20/22  
ACCT NO.: PW-ST4674-22

|                               |  |               |
|-------------------------------|--|---------------|
| 06/24/22                      | Photocopies: 72 @ .20                        | 14.40         |
| 08/17/22                      | Photocopies: 2 @ .20                         | 0.40          |
| 08/26/22                      | Travel from Whitefield to Concord and return | 104.40        |
| <b>Total of New Expenses:</b> |  | <b>135.52</b> |

**ACCOUNT SUMMARY**

|                         |                    |
|-------------------------|--------------------|
| PREVIOUS BALANCE:       | \$0.00             |
| NEW SERVICES:           | \$11,595.00        |
| NEW EXPENSES:           | \$135.52           |
| NEW PAYMENTS:           | \$0.00             |
| TOT. CURRENT PERIOD:    | \$11,730.52        |
| <b>CURRENT BALANCE:</b> | <b>\$11,730.52</b> |

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**Date: April 07, 2022**

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**To:**

New Hampshire Judicial Conduct Committee  
 132 Chapel Street  
 Portsmouth  
 NH 03801

**Requested by:** Robert Mittelholzer

**Assignment No:** NHJB-15309

**Case Name:** In the Matter of Dana Albrecht and Katherine Albrecht

**Case Number:** 659-2016-DM-00288

**Hearing Date(s):** 11/06/2020

| Charge Description | Quantity | Each     | Total    |
|--------------------|----------|----------|----------|
| Transcription (R)  | 1        | \$950.00 | \$950.00 |
| Invoice Total      |          |          | \$950.00 |

| Receipts              | Type    | Amount   | Date         | Total  |
|-----------------------|---------|----------|--------------|--------|
| Credit Card - Deposit | Payment | \$950.00 | Mar 24, 2022 |        |
| Amount Now Due        |         |          |              | \$0.00 |

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